IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23060 of 2007(T)

PETITIONER:

M.BHASKARAN, OVERSEER GRADE-I,
BLOCK DEVELOPMENT OFFICE, WANDOOR,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.ANAND
SRI.M.R.NANDAKUMAR

RESPONDENTS:
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1. THE CHIEF ENGINEER,
PWD ADMINISTRATION,
THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER, LSGD,
THIRUVANANTHAPURAM.

3. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.23060 of 2007-T

JUDGMENT

The petitioner is a 1st Grade Overseer, working in the Block Development Office, Wandoor, Malappuram district. By Ext.P1 order, he was promoted to that post on 5.3.2005. Later, by Ext.P2, he was included in the list of junior-most 1st Grade Overseers to be deployed to the Department of Local Self Government. The said order was passed on 30.8.2006. The petitioner filed Exts.P3 and P4 representations against it. This Court, by Ext.P5 judgment, directed the Chief Engineer, P.W.D to consider Ext.P4 representation. The said representation was considered and rejected by Ext.P6 order dated 30.11.2006. It was clearly found that the petitioner is the junior-most among the 1st Grade Overseers. Further it was found that the petitioner has got 18 months service before he retires. Based on that finding, his representation was rejected. The petitioner again approached this Court and this Court by Ext.P7 judgment, directed the Government to consider his representation. Now, the Government have considered and rejected it, by Ext.P8 order dated 18.6.2007. This writ petition is

filed, stating that only less than one year is left for his retirement and therefore, he may not be deployed. He relies on clause (xiii) of Ext.P9 order, which says that the tenure of the deployed officers will be three years. So, it is submitted that the petitioner will not get the tenure of three years. He is going to retire in May, 2008. The above said provision deals with the maximum tenure of deployment. It does not mean that a surplus hand need not be deployed for a shorter spell. While the Chief Engineer considered and passed orders, the date of retirement of the petitioner was specifically adverted to.

2. But, the petitioner did not obey the deployment order and his litigative persistence resulted in the reduction of the tenure further. He continued to draw the salary from the Department where he was a surplus hand. I find no reason to interfere with the impugned orders of the Chief Engineer and the Government, rejecting the petitioner's representation against the deployment. Those orders issued in public interest cannot be interfered with on the ground of personal

inconvenience of the petitioner. Accordingly, the writ petition fails and it is dismissed.

K. BALAKRISHNAN NAIR,
JUDGE.

27th July, 2007.
nm.